



Town of Weare Conservation Commission

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Conservation Commission

Andy Fulton, Chairman
Patricia Myers, Secretary
Stephen Najjar
George Malette
Michael Dahlberg

CONSERVATION COMMISSION MINUTES NOVEMBER 18, 2009

PRESENT: Andy Fulton, Chairman; Patricia Myers, Secretary; Mike Dahlberg; Steve Najjar

GUESTS: Chris Danforth, Chuck Bolton – Planning Board, Carl Knapp – Public Works

I. CALL TO ORDER:

Chairman Andy Fulton called this meeting to order at 7:08 PM at the Weare Town Office Building.

II. Visitors Issues:

Chris Danforth of CK Danforth & Associates, LLC – representing Dale Gordon of Walker Hill Rd

Mr. Danforth stated that at this time Mr. Gordon is simply trying to get access to his 2.8 acre parcel on Route 77, Concord Stage Road. The proposed driveway off of Concord Stage Road would cause a 780 ft² wetlands impact. They have obtained a variance from the ZBA and have come to the Conservation Commission to request the CC sign off on the Permit By Notification for the wetlands work. There were questions about this type of permit process. Mr. Danforth agreed it was uncommon but that it is meant to be used for small impacts for single family dwellings such as this. He stated that the owner would need to repeat the approval process with a higher level permit application if in the future he decided to expand the project beyond a single family home. Mr. Danforth stated that alternative locations for the driveway would cause much more wetlands disturbance. The CC reviewed the permit application and photos of the site. There was general agreement among WCC members that this was the appropriate location for the driveway. Steve expressed concern and asked the Commission to reread Zoning Ordinance article 28.6.7 saying it appears that we have been misinterpreting it as it applies to this type of situation. He pointed out that the article requires both the Conservation Commission and the Planning Board to find there is no “substantial” impact to wetlands in order for the project to go forward. If either PB or CC finds otherwise, the applicant would need a ZBA Special Exception. After lengthy discussion, Mike made motion that the CC find there is no substantial impact. Pat seconded the motion. During further discussion Steve said this must be the only time we do this before a clear understanding with the Planning Board on this zoning article. A vote was taken and was unanimously in favor. Mike then made a motion to authorize the Chair to sign the application. Pat seconded and the vote was again

unanimously in favor. Andy will email the PB Chair about this matter and the interpretation of the Zoning article. Andy asked that Mr. Danforth also contact the Planning Board.

Chuck Bolton from the Planning Board:

Chuck presented the Commission with an update on the proposed Zoning Ordinance Articles for the 2010 Warrant. He reported that neither the Wetlands Buffer subcommittee nor the Conservation Easement Subcommittee had reached the point of recommending particular actions, and no warrant articles were proposed. The Wetlands Buffer group will continue to work on this issue into 2010, deciding to take the time needed to get it right. The CE Subcommittee reported to the Planning Board that the strongest type of protection for town conservation lands and open space is the Conservation Easement held by a qualified land trust. The PB wanted more explanation about why covenants wouldn't be effective. There was some discussion of offering an incentive for developers who designed an open space plan that would attract of a land trust to accept a CE.

Carl Knapp – Public Works Director – two issues

#1 Carl asked the Commission to consider assisting the Public Works Department in straightening the twist in Merrill Road on the hill just outside the gates of the transfer station. This is a spot that gets very icy during the winter causing plow trucks to have great difficulty getting out of the yard. Carl suggested that since there is a timber harvest going on right there in that area of the Felch Farm Town Forest, the logger could easily remove the few trees along the road in the area of the bend. This would allow town crews to straightening the road before bad weather. Removal of those few trees would allow more sun onto the road there and help reduce icing. Steve made a motion which Mike seconded, to include this area in the on-going cut and allow for the realignment of Merrill Road in this location in the own Forest. The vote was all in favor. Carl will flag the area to be cut. Steve will notify Jeremy Turner, the town's consulting forester, to add this area to the timber harvest. Steve asked that Carl halt traffic at that end of Merrill Road while the cutting is done along the road to be compliant with safety regulations.

#2 Carl next asked to discuss the Peasley Road bridge repair project with the Commission. The problem, Carl explained, is that installing a temporary bridge over the Piscataquag River would be difficult and probably cause much wetlands disturbance due to the lay of the land at the bridge site. Instead, Carl proposed a detour on an old logging road that passes through Felch Farm TF from Peasley Road to Merrill Road near the transfer station gate. Some commission members were somewhat familiar with the path from a site walk there a couple years ago. The plan would require a temporary upgrade of the logging road to allow residents on Peasley Road to drive in and out while the bridge is impassable. Carl said there are only 2 or 3 homes on that part of Peasley Road. Discussion followed: Steve said the wetlands would need to be flagged by a professional before any thing else is done so the Commission can see what impacts would be unavoidable if this idea were to be implemented. Carl agreed and said that would be included in the costs for the bridge project. Pat expressed concern that improving the woods road might attract

unwanted attention to it and result in damage due to illegal OHRV use. She reminded members of the problems that arose at Ferrin Pond after PSNH improved that access road. Carl agreed that it could be a problem and said they would make it less accessible when the detour was no longer needed. Steve commented that the upgraded road might come in handy for future timber harvests. Carl will see that the wetlands delineation gets started as soon as possible and report back to the commission.

At this time Andy asked whether Carl's crew would still be available to brush-hog the old field area on the Eastman Conservation Land. The idea that had been previously discussed was that Public Works would use its equipment to help the commission keep the fields open for wildlife habitat management purposes. Carl said he had not forgotten and that as soon as the weather is no longer conducive to road work they will put the brush hog back on the tractor and do the cutting.

III. **OTHER Wetlands / DES issues:**

Cc'd on letter from Audra Klumb of A&D Klumb Environmental, LLC to DES: DES file 2009-01122, Jack Moody on Forest Road, the proposed AT&T Cellular tower. They had received a Request For More Information from DES and had requested an extension of the deadline so that they could comply. DES granted that request. The new deadline is 11-16-09. Meanwhile, the concern that the cell tower was proposed for parcel where a recent harsh timber cut and wetlands disturbance had occurred has been investigated by Tom Carr. As it turns out, the cell tower is proposed for a separate parcel owned by the same Jack Moody.

DES File 2008-02537 - Bedford Design, driveway to a new home at Abijah Bridge Road and Wildwood Road (Prt). They had gone to the ZBA seeking a variance allowing the driveway from Wildwood Road - a private road. The request was denied. They filed for reconsideration which the ZBA denied. Now they are trying to get wetlands permitting necessary to bring the driveway directly onto Abijah Bridge Road.

DES File ?: Cc'd on letter to DES from Dave Thompson of 101 East Shore Drive, Map104/Lot 66. Mr. Thompson complains about meddling by his abutter who reported possible un-permitted wetlands disturbances occurring on Mr. Thompson's.

Cc'd on letter from DES to Dave Thompson stating that DES has not issued a wetlands permit to him (see previous bullet). The letter states that Mr. Thompson's property has been added to their inspection list.

Letter from DES re. Pope, Steven and Heidi, property on Toby Hill Road and Rt 149, AKA "Kingsbury LCIP Conservation Easement land. DES announced it is satisfied and is closing the file on the wetlands restoration work the Popes have done with the technical assistance of Tom Car, Wetlands & Soil scientist, while trying to repair this spring's wetlands damage and prevent future damage by "mudder" trucks at the base of the large beaver pond along Rt 149.

Lanier Subdivision – route 77, Concord Stage Road. Plan revision submitted by Art Siciliano. This revised plan results in 2 wetlands impacts. The commission discussed the

need to consult with the Planning Board so that both boards can operate correctly according to Zoning Ordinance article 28.6.7 that Steve had pointed out earlier. Under this article both boards must rule on whether this is a substantial wetlands impact or not or the applicant must go to the ZBA. WCC members want the applicant to come to a WCC meeting to present their case after which the Commission must rule as to whether the impact is substantial or not. At previous meetings the Commission had stated that this site was inappropriate for residential development due to the amount of wetlands.

DES File 2009-02421, Kurt Boisvert, #410 River Road. Shoreland Permit application for Map 412 / Lot 67.5. There was no representative to present the project.

IV. Other:

NRI Pat stated that since the September meeting she submitted our few comments to K & I and received acknowledgement back, but has heard nothing since. She had expected they would be ready to present the draft final report for this (November) meeting. Pat asked if Andy would please try contacting them in hopes of wrapping up this project ASAP. Andy agreed to give them a call.

Town Forest Items Steve reported that the Felch Farm timber harvest is going along and he is happy with the quality of the work. He told the commission that one issue has come up however. Our Forester Jeremy Turner selected the logger to do the harvest without using an open bid process. The commission has received a complaint from sawmill owner Ed Sanborn of Weare. Steve has asked Tom Clow about town policy in this situation. Tom will look into it but thinks there is no policy. Never-the-less, Steve said he may recommend a public bid for the next harvest.

Update on wetlands buffer restoration at property of Jack Moody on East Street. Chip Meany, Code Enforcement Officer has informed Mr. Moody that the restoration of the wetland buffer along Center Brook that has been completely destroyed must be restored in accordance with the recommendations of the Weare Conservation Commission before he will issue a Certificate of Occupancy.

Purchase of GPS unit Andy reported that he's received no word from Naomi as to whether the unit we requested has been ordered. She had earlier agreed to purchase it for us.

V. ADJOURNMENT: There being no further business before the commission Pat made the motion to adjourn. Mike seconded the motion. All voted yes. Andy adjourned the meeting at 9:37 pm.

Respectfully submitted,

Pat Myers, Weare Conservation Commission Secretary

Cc: Town Clerk's Office,
BOS Office – Merry Rice
WCC Office files